

Exhibit “3”: Juarez Deposition Excerpts

IN THE DISTRICT COURT OF PAYNE COUNTY

STATE OF OKLAHOMA

TYLON VAUGHN MACKEY,)
)
 Plaintiff,)
VS.) NO. CJ-2020-233
)
ISRAEL JUAREZ and)
ORD TRUCKING,)
Defendants.)



VIDEO DEPOSITION OF ISRAEL JUAREZ

TAKEN ON BEHALF OF THE PLAINTIFF

IN OKLAHOMA CITY, OKLAHOMA

ON JULY 29, 2021

REPORTED BY MARY E. (LIZ) WAGGONER CSR #00393

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1 Q. Okay. Do you do any work that requires you
2 to have a CDL license?

3 A. No.

4 Q. Okay. When's the last time you've done any
5 work that required you to have a CDL license?

6 A. Oh, I think with Ordones because after that,
7 I haven't do work like that.

8 Q. Okay. So when you say, and I apologize if I
9 mispronounce this, Ordones, is that ORD Trucking?

10 A. Yeah.

11 Q. Okay. So if I say ORD Trucking, can we agree
12 that's who we're speaking about --

13 A. Yeah.

14 Q. -- to make things easy?

15 Thank you.

16 And what was the last day you worked for ORD?

17 A. Two years ago.

18 Q. Okay. Did you work for ORD after this
19 accident?

20 A. No.

21 Q. Okay. So would this accident be the last day
22 to the best of your recollection you worked for ORD
23 Trucking?

24 A. Yes.

25 Q. When's the last time you have spoken to

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1 Q. Were there any other employees on
2 September 4, 2019, besides yourself and Jesus?

3 A. September 4th, is that the day of the
4 accident?

5 Q. Yes, sir.

6 A. No.

7 Q. On the date of the accident do you know how
8 many trucks ORD Trucking owned?

9 A. Gee, I think he had -- that I can remember?

10 Q. Yes, sir.

11 A. Two.

12 Q. And on the date of the accident, September 4,
13 2019, were you operating a motor vehicle owned by ORD
14 Trucking?

15 A. Yes.

16 Q. On the date of the accident did you own your
17 own commercial vehicle?

18 A. No.

19 Q. I'm sorry. Was that a no?

20 A. No.

21 Q. Okay. On the date of the accident, September
22 4, 2019, did you have your own insurance policy that
23 would cover you for driving a commercial vehicle?

24 A. No.

25 Q. Okay. So how did you get hired on at ORD

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1 record, your intended destination was you were going
2 to turn left, which would have been west from that
3 stop sign onto State Highway 51. And then you were
4 going to head north at some point to go to an empty
5 field to dump your load?

6 A. Yes.

7 Q. Okay. When you go to that empty field to
8 dump your load, is that owned by anybody?

9 A. I don't know that.

10 Q. When you go to that empty field to dump your
11 load, is it a landfill?

12 A. Sometimes it was a road they was building.
13 They was building a road higher. And sometimes it was
14 just like an empty -- empty lot.

15 Q. Okay. Who had told you that that is where
16 you're supposed to go dump your load at?

17 A. The supervisor.

18 Q. And who was the supervisor?

19 A. Oh, I don't know. I don't.

20 Q. Do you know who the supervisor worked for?

21 A. Silver Star.

22 Q. Silver Star?

23 A. (Witness nods head)

24 Q. Is that the general contractor?

25 A. I don't know.

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1 Q. Okay. Do you remember the protocol for that?
2 How did that happen as far as you arriving and having
3 to sign in?

4 A. You -- you -- you get there and then you have
5 to like wait until they tell you to get started. And
6 then once they get started they know who is there.
7 And then at the end of the day they sign you out.

8 Q. Okay. So you get there and then wait to tell
9 you to get started; is that right?

10 A. Uh-huh.

11 Q. And when you're waiting, are you still
12 waiting in vehicles -- strike that.

13 Are you still waiting in the vehicle you
14 arrived in or where are you waiting at?

15 A. In the trucks. In the dump trucks.

16 Q. Okay. So you get out when you get there and
17 you get in your dump truck?

18 A. Yes.

19 Q. Do you start up the dump truck or do you have
20 to wait?

21 A. No. You check it. You check, like you get
22 there, like let's say they tell you you got to be
23 there at seven. So you get there before seven. Start
24 checking your trucks at seven. You're already in the
25 truck waiting for them to tell you what to do, where

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1 to go, what to start.

2 Q. And when they're telling you when to start,
3 what to do, where to go, who is telling you that?

4 A. The people from Silver Star.

5 Q. Okay. And how would they tell you that?

6 Would they tell you over a CB radio, text message?
7 How would you get that information?

8 A. No. They usually -- they usually have a guy
9 telling us.

10 Q. And if you can recall, how would they tell
11 you to begin your job? What would they say to you?

12 A. We fixing to get ready to get loaded.

13 Q. And would they have you guys line up in a
14 certain order? How would you guys line up to get your
15 hauls to get removed?

16 A. Yeah, you line up. Everybody lines up and
17 start getting loaded.

18 Q. Would Silver Star or whoever it was that told
19 you how to do your job, do they tell you how to line
20 up as well?

21 A. Sometimes they do.

22 Q. Okay. And I'm ignorant to this whole
23 industry. So you have to explain it to me and to the
24 jury.

25 When you -- strike that.

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1 I imagine you would get like a, for lack of a
2 better phrase, a congo line of trucks?

3 A. Uh-huh.

4 Q. And there would be a loader at the front of
5 it; is that correct?

6 A. Yes.

7 Q. And who was telling the loader when to start
8 the machine or not; do you know?

9 A. No.

10 Q. Okay. That Silver Star person that would
11 tell you to start your job, would they be the
12 supervisor for that day for the whole site?

13 A. No, because the guy that is loading is one
14 person and the supervisor is another person and
15 sometimes the guy that tells us to do things is
16 another person. So --

17 Q. Are they all employees of Silver Star to your
18 knowledge?

19 A. Yes.

20 Q. Okay. The guy operating the loader, would he
21 be an employee of Silver Star as well?

22 A. Yes, I think so.

23 Q. Okay. Do you happen to know anybody's name
24 that would have been on the job site at any point in
25 time?

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1 got those records. I don't really know how long
2 before. But I know I was there before.

3 Q. Let me ask you this way and just narrow it
4 down. I understand you don't know the exact days.

5 Do you think you were working there longer
6 than a week before the accident?

7 A. Yes. Probably, yes.

8 Q. Okay. Do you think you were working there
9 longer than a month before the accident?

10 A. Oh, my god. I -- I don't remember really.
11 But I know it was more than a week.

12 Q. Okay. So let me make sure I'm understanding
13 this picture. So you arrive to work. And at some
14 point an employee from Silver Star would tell everyone
15 on the job site, hey, we're about to start doing the
16 loads?

17 A. Where to go, what to do.

18 Q. And they would tell you where to go. And
19 where -- would it always be that empty field you would
20 go to?

21 A. It was always close to there. It was -- it
22 was either that -- it was either that field. It was
23 either a road. It was either another road on the
24 other side of the highway. But it always like right
25 there close.

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1 Q. Did you have anyone from anyone other than
2 Silver Star that was sort of supervising that landfill
3 site that you were at?

4 That was a bad question.

5 A. No, no.

6 Q. So, to your knowledge, you don't know of
7 anyone that was above Silver Star in the chain of
8 command at that residential construction site?

9 A. They was probably working for somebody
10 because it's not only Silver Star. But I don't know
11 who they was working for. I know Silver Star is the
12 one that was.

13 Q. To the best of your knowledge because I have
14 no idea, who is Silver Star?

15 A. Silver Star?

16 Q. Yes, sir.

17 A. It's the company that does all of those
18 roads.

19 Q. So Silver Star is a road builder to the best
20 of your knowledge?

21 A. Yes. Like a paving company, something like
22 that.

23 Q. If you know, was the purpose of you hauling
24 away dirt at that residential construction site to
25 build roads or pave roads?

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1 A. No.

2 Q. Okay.

3 A. It was to build the -- the place where they
4 was going to build houses, I think. I don't know.

5 Q. Do you know if Silver Star had any of their
6 own commercial vehicles at that job site?

7 A. No, no, not commercial. No, not dump trucks.

8 Q. So, as far as your understanding, just to
9 wrap this up for my understanding, Silver Star was in
10 charge of the dump trucks on the site?

11 A. Yes.

12 Q. Okay. And they were in charge of telling the
13 dump trucks when to get to the job site?

14 A. (Witness nods head)

15 Q. Is that a yes?

16 A. Yes.

17 Q. And you were required -- you'll get the hang
18 of it by the end of the day.

19 And you were required to be at the job,
20 construction site at a specific time --

21 A. Yes.

22 Q. -- each day, correct?

23 A. Yes.

24 Q. And that specific time is mandated by Silver
25 Star?

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1 A. Yes.

2 Q. Okay. And when you got to the job site they
3 would tell everyone, not only your company or anyone
4 else, but everyone when to start working?

5 A. Yes.

6 Q. Okay. And then Silver Star would tell you
7 how to work?

8 A. Yes.

9 Q. Okay. Is there any specifics that would
10 change from day-to-day on how to do your job?

11 A. Just -- just like that occasions and
12 sometimes they were like dig here or something and
13 we'll dig in another place.

14 But it always the same job site. It was just
15 like different spots, like they was building. Like
16 they was like digging like a lake or something like
17 that. And they will tell us where to go.

18 Q. And -- go ahead. Sorry.

19 A. Like they will tell us, oh, you've got to go
20 over here on the west side of the road. And then next
21 day they will tell us, oh, you got to dump on the left
22 side of the road or today you're not going to dump
23 there, you're going to be going to the empty lot.

24 Q. Would they ever show you on a map where to
25 go?

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1 Q. Was there ever an expectation by Silver Star
2 that you should dump a certain amount of loads per
3 day?

4 A. Yes.

5 Q. Okay. Do you know what that expectation was
6 besides probably a lot?

7 A. I think that they just wanted, you know, keep
8 up, keep up, keep up. They didn't want to stop for
9 nothing. They didn't want -- they just want you to
10 keep going, keep going, keep going.

11 Q. Would you ever be timed by Silver Star or by
12 anyone during your loads to see how long it was taking
13 you to complete it?

14 A. (Witness nods head)

15 Q. Is that a yes?

16 A. Yes.

17 Q. Who was timing you for those loads?

18 A. The supervisor there. But I don't know him.

19 Q. Would that be a supervisor for Silver Star?

20 A. Yes, Silver Star.

21 Q. Did you ever hear of anyone being reprimanded
22 by Silver Star for taking too long on their loads?

23 A. Yes.

24 Q. Do you know what those reprimands would
25 consist of?

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1 Q. And are you ready to go forward?

2 A. Yes.

3 Q. Okay. And you understand your testimony is
4 still given under oath?

5 A. Yes.

6 Q. Okay. I put in front of you Plaintiff's
7 Exhibit Number 2 to your deposition, which is a police
8 diagram done in regards to this accident.

9 Have you seen this diagram before?

10 A. No.

11 Q. Okay. So if you could take a second and just
12 get familiar with it. And I'll point out a few
13 things.

14 Unit 1, would be you, which would be
15 indicated by the dump truck. And then Unit 2, you can
16 barely see, is my client on a motorcycle.

17 Do you see that?

18 A. Yes.

19 Q. Okay. And do you see that the police officer
20 has indicated this is State Highway 51 or 6th Avenue?

21 A. Yes.

22 Q. And the police officer has indicated this
23 north and south street is Murphy Street?

24 A. Yes.

25 Q. Okay. And would you agree that this is the

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1 intersection where you were stopped at on
2 September 4th of 2019?

3 A. Yes.

4 Q. Okay. And was there a stop sign indicated at
5 this corner? Is that where you were stopped?

6 A. Yes.

7 Q. Okay. If you could, please --

8 MR. WARMAN: I've got a pen.

9 MR. POLCHINSKI: Perfect.

10 Q. (BY MR. POLCHINSKI) With your counselor's
11 pen, just draw a circle where that stop sign would
12 have been indicated on the date of the accident.

13 A. To my best knowledge?

14 Q. Yes, sir.

15 A. Here (indicating).

16 Q. So --

17 MR. WARMAN: You want to draw a circle?

18 Q. (BY MR. POLCHINSKI) Yeah. If you don't
19 mind, if you could draw a bigger circle and fill it
20 in.

21 A. (Witness complies).

22 Q. There you go.

23 So there was a stop where you've indicated
24 with a filled in black dot; is that correct?

25 A. Yes.